

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America

v.

Jimmy Flores

Case No.

3:19mj206

MICHAEL J. NEWMAN

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/10/19 in the county of Butler in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 USC s. 922(g)(1)

felon in possession of a firearm

This criminal complaint is based on these facts:

See Attached Affidavit of Kathleen Boyce

☒ Continued on the attached sheet.

Kathleen M. Boyce

Complainant's signature

Kathleen Boyce, SA of HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

4/11/19

City and state:

Dayton, Ohio

Michael Newman

Judge's signature

Michael Newman, US Magistrate Judge

Printed name and title

ATTACHMENT "A"
AFFIDAVIT

1. I, Kathleen M. Boyce, a Special Agent for United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), am hereinafter referred to as Affiant. As such, Affiant sets forth the following in support of an arrest warrant for Marco VILLA, John William GROOM, and Jimmy FLORES.
2. Affiant is an employee of HSI assigned to the Cincinnati Resident Office. Affiant has been employed with HSI since August 2010. Affiant attended and graduated from the basic agent training course in Brunswick, Georgia. Affiant was then assigned to the HSI Miami Office, where Affiant was assigned to the Miami International Airport (MIA) Passenger Conspiracy Response Group and specialized in drug trafficking and money laundering investigations. In March 2016, Affiant was reassigned to the HSI Buffalo Office, where Affiant was assigned to the Financial Group, specializing in money laundering, virtual currency, bank fraud, and bulk cash smuggling investigations. Affiant has received extensive training in the investigation of narcotics trafficking and financial crimes from HSI, as well as ongoing in-service training.
3. Since October 2017, Affiant has been assigned to the HSI Border Enforcement Security Task Force (BEST) in Dayton, Ohio.
4. As a Special Agent for HSI, Affiant is charged with the duty of enforcing among other Titles, the Controlled Substance Act, Title 21, United States Code, together with other assigned duties as imposed by Federal law.
5. By virtue of Affiant's employment with HSI, she performs and has performed various tasks which include, but are not limited to:
 - a) Conducting surveillance for the primary purpose of observing the activities and movements of drug traffickers;

- b) Functioning as a case agent which entails the supervision of specific aspects of drug investigations;
 - c) The tracing and tracking of monies and assets gained by drug traffickers from the illegal sale of drugs.
6. This Affidavit is submitted in support of a criminal complaint, and seeks the issuance of arrest warrants for Marco VILLA and John William GROOM, for violations of 21 U.S.C. § 846 and 841 (b)(1)(A) (conspiracy to possess with intent to distribute 400 grams or more of fentanyl), and for Jimmy FLORES for violation of 18 U.S.C. § 922(g)(1) (convicted felon in possession of a firearm which has been shipped or transported in interstate or foreign commerce).
7. The information contained in this Affidavit is largely based upon an investigation conducted by your Affiant and other law enforcement officers. All of the details of the investigation are not included in this Affidavit, rather only information necessary to establish probable cause of the aforementioned violations.

FACTS

FACTS SUPPORTING PROBABLE CAUSE

8. Unless otherwise noted, when I assert that a statement was made, I received the information from a law enforcement officer who provided the information to me, either verbally or in a written report. The officer providing me with the information may have received the information by way of personal knowledge or from another source.
9. On April 10, 2019, Affiant and members of the Miami Valley Bulk Smuggling Task Force (MVBSTF), comprised of agents from federal, state and local police departments,

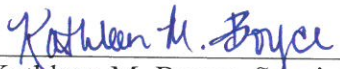
received information regarding drug activity occurring at 1825 Parrish Ave, Hamilton, OH 45011. The subject believed to be residing at that address was identified as “Diablo,” and was suspected of being involved in trafficking large quantities of narcotics.

10. On April 10, 2019, at approximately 7:45 PM, agents and officers initiated surveillance of 1825 Parrish Ave, Hamilton, OH 45011.
11. At approximately 7:20 PM, officers observed a blue sedan (Target Vehicle 1) parked outside of the 1825 Parrish Ave, Hamilton, OH 45011 (Target Residence). A short time later, officers observed a Hispanic male exit the residence and place an unknown object into the trunk of the vehicle and enter the passenger side of the vehicle.
12. At approximately 7:23 PM, officers observed Target Vehicle 1 as it exited the area. Officers observed Target Vehicle 1 as it traveled East on OH State Route 129 (OH-129), continuing South onto Interstate 75 (I-75) to the Speedway Gas Station located at 7397 Tylersville Rd, West Chester, OH 45069.
13. Officers observed Target Vehicle 1 briefly meet with an individual who exited a white sedan (Target Vehicle 2) parked at the gas station. Officers observed that individual re-enter Target Vehicle 2 after appearing to briefly speak with the passenger in Target Vehicle 1.
14. At approximately 7:43 PM, agents and officers observed Target Vehicle 1 and Target Vehicle 2 depart the Speedway Gas Station parking lot in tandem and depart the area traveling North on I-75.
15. Agents relayed Target Vehicle 1's and Target Vehicle 2's direction of travel to an Ohio State Highway Patrol (OSP) Trooper who was in the area assisting with surveillance.
16. At approximately 7:45 PM, the OSP Trooper pulled behind Target Vehicle 1, identified as a blue Honda sedan bearing OH Registration ESK5818, and conducted a traffic stop of the vehicle after observing a turn signal violation after the vehicle exited I-75 N at the Monroe / OH State Route 63 (OH-63) Exit.

17. Upon approach, the Trooper identified the driver of the vehicle as John William GROOM (GROOM), who presented an Ohio driver license, and the passenger as Marco VILLA (VILLA), who only provided his name and date of birth.
18. The Trooper indicated he smelled an odor of raw marijuana coming from the vehicle. As a result, the Trooper conducted a probable cause search of the vehicle, during which he located a shoe box in the trunk of the vehicle containing a white powdery substance suspected to be fentanyl wrapped in plastic bags and clear plastic wrapping. The approximate weight of the white powdery substance and packaging was 530 grams.
19. In a post Miranda interview, GROOM stated he picked up VILLA at his house located in Hamilton, OH, and VILLA placed the shoe box in the trunk of his vehicle after exiting the residence. GROOM stated he was to be paid \$100 to drive VILLA to the Miami Valley Gaming Casino to drop the box off to someone, and Target Vehicle 2 was to travel to the casino behind their vehicle as protection.
20. In a post Miranda interview, in reference to the suspected fentanyl located in the vehicle, VILLA stated it was "all [him]".
21. Following the traffic stop of Target Vehicle 1, agents and officers maintained surveillance of Target Vehicle 2. Target Vehicle 2 continued travel in the nearby area of the traffic stop of Target Vehicle 1 for a short time, after which the vehicle returned to the area of the Target Residence.
22. Additional agents and officers were in the area securing the Target Residence pending the issuance of a search warrant for the residence. As Target Vehicle 2 approached the Target Residence, agents conducted a traffic stop of the vehicle and identified the driver of the vehicle as Jimmy FLORES (FLORES), who presented an Ohio driver license, and the passenger as Nicholas Lee Hartrick, who also presented an Ohio driver license. Agents detained both individuals at that time as the investigation was ongoing.
23. On April 10, 2019, the Honorable Judge Keith Speath, Butler County Common Pleas Court, signed a search warrant authorizing the search of the Target Residence.

24. Agents and officers subsequently conducted a search of the Target Residence, during which multiple firearms were located and seized from the residence, along with other evidentiary items. Of the firearms seized from the residence, one was a Glock 26 pistol and another was a Glock 30 pistol. Multiple gun magazines were located and seized as well.
25. In a post Miranda interview of FLORES, FLORES provided agents verbal consent to search his phone. An agent located a photograph on FLORES' cellular phone depicting what appeared to be a Glock pistol containing an extended magazine, consistent with the pistol and magazine located inside the Target Residence. In the photograph, FLORES is holding the pistol and magazine in his hand.
26. Database queries were conducted revealing FLORES was arrested in 2010 by Bowling Green Police Department for violation of the Ohio Revised Code 2903.11 (felonious assault) for which he was sentenced to six years imprisonment.
27. While previously conducting numerous investigations involving Glock firearms, your Affiant has verified with a Bureau of Alcohol Tobacco and Firearms (ATF) Special Agent, and knows through the course of her investigations, that Glock firearms are manufactured in Prescott, Arizona. Therefore, the Glock handgun pictured in FLORES' possession did affect interstate commerce if it was in fact possessed in Ohio.

28. Based on the facts set forth in the Affidavit, Your Affiant believes that there is probable cause to issue criminal complaints and arrest warrants against Jimmy FLORES for violation of 18 U.S.C. § 922(g)(1) (convicted felon in possession of a firearm which has been shipped or transported in interstate or foreign commerce).


Kathleen M. Boyce, Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on April 11, 2019


Honorable Michael Newman
United States Magistrate Judge

